

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Melody Stoops, Plaintiff, v. Credit Protection Association, L.P., Defendant.	Case No. 3:15-cv-218-KRG (JUDGE KIM R. GIBSON)
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STIPULATION TO STAY PROCEEDINGS

TO THE HONORABLE COURT: Plaintiff Melody Stoops (“Plaintiff”) and Credit Protection Association, L.P. (“Defendant”), (collectively “the Parties”), by and through their respective counsel, hereby stipulate that a stay is appropriate in the above-entitled action, and request that the Court enter an order staying further proceedings, and toll the date of completion of fact discovery, until the Court makes a final determination on pending motions for summary judgment in related case *Stoops v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-00083-KRG.

“The District Court has broad discretion to stay proceedings as incident to its power to control its own docket.” Clinton v. Jones, 520 U.S. 680, 706 (1997). In particular, district courts have authority under Federal Rule of Civil Procedure 16(a)(3) to schedule proceedings in a case to “discourag[e] wasteful pretrial activities.” As the Ninth Circuit has noted, “[a] trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case,” including proceedings in an administrative forum. Lockyer v. Mirant Corp., 398 F.3d 1098, 1111 (9 Cir. 2005), quoting Leyva v. Certified Grocers of Calif., 593 F.2d 857, 863-64 (9

Cir. 1997). See also Ethicon, Inc. v. Quigg, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988) (reasonable to stay proceedings pending a Patent and Trademark Office reexamination of a patent).” The Parties respectfully request that the Court enter an order staying further proceedings, good cause being set forth as follows:

1. WHEREAS, *Stoops v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-00083-KRG is a case related to the above-entitled action assigned to the Honorable Kim R. Gibson.
2. WHEREAS, on December 10, 2015, Wells Fargo Bank, N.A. (“Wells Fargo”) filed a Motion for Summary Judgment. (Case No. 3:15-cv-00083-KRG – ECF 44).
3. WHEREAS, on January 21, 2016, Plaintiff filed a Motion for Summary Judgment. (Case No. 3:15-cv-00083-KRG – ECF 56).
4. WHEREAS, Wells Fargo’s Motion for Summary Judgment in *Stoops v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-00083-KRG is currently pending final determination by this Court.
5. WHEREAS, Plaintiff’s Motion for Summary Judgment in *Stoops v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-00083-KRG is currently pending final determination by this Court.
6. WHEREAS, each of the motions for summary judgment pending final determination in *Stoops v. Wells Fargo Bank, N.A.*, Case No. 3:15-cv-00083-KRG contain dispositive legal issues related to the claims and defenses of the Parties’ in the above-entitled action.

In light of the foregoing, the Parties of the above-entitled action jointly request that the above-entitled action be temporarily stayed, and toll the date of completion of fact discovery, until final determination of the pending motions for summary judgment in related case *Stoops v. Wells Fargo Bank, N.A.*, Case No.: 3:15-cv-00238-KRG.

Respectfully submitted,

DATED: March 4, 2016

By: /s/ Joseph R. Manning, Jr.
Joseph R. Manning, Jr.

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DATED: March 4, 2016

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CERTIFICATE OF SERVICE

Service is being effectuated upon counsel for counsel of record via the CM/ECF system.

By: /s/ Joseph R. Manning, Jr.